

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**LATE TESTIMONY**

**Before the House Committee on  
WATER, LAND, AND OCEAN RESOURCES**

**Wednesday, April 15, 2009  
9:00 AM**

**State Capitol, Conference Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 251/HOUSE RESOLUTION 220 -  
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION  
OF AQUATIC RESOURCES TO CONSULT AND CONFER WITH LICENSED  
SPECIALIZED FISHING PRACTITIONERS PRIOR TO IMPLEMENTING REVISED  
OR NEW REGULATIONS AFFECTING THESE STYLES OF NEAR-SHORE  
COMMERCIAL FISHING AND TO SEEK ADVISE FROM AND WORK  
COLLABORATIVELY WITH THEM ON ANY AND ALL FUTURE REGULATIONS  
RELATING TO COMMERCIAL FISHING.**

House Concurrent Resolution 251/House Resolution 220 urges the Department of Land and Natural Resources (Department), Division of Aquatic Resources to consult and confer with licensed specialized fishing practitioners prior to implementing revised or new regulations affecting these styles of nearshore commercial fishing and to seek advice from and work collaboratively with them on any and all future regulations relating to commercial fishing. While many of the ideas in various resolutions have merit, given the uncertainties of the fiscal situation, the impact on the Department's operating budget, the need to direct new efforts to apply for federal stimulus grants, which will come with additional reporting requirements, the Department cannot support these resolutions at this time.

In the course of administrative rulemaking, the Department is obligated to comply with the requirements of Chapter 91, Hawaii Revised Statutes, to regulate fishing. These requirements along with executive branch policies require the Department to conduct an open public process in which all interested stakeholders may participate. Further, the Department has a program, commercial fisheries and resources enhancement, and its objective is to manage commercial fisheries sustainably. The Department appreciates the experience of Hawaii's commercial fishers, and often consults with them in regards to reported anomalies, fishing effort, and proposed rules. In this regard, the Department, as a normal course of conducting its business, does consult and is open to the concerns and suggestions of the licensed commercial fishers.

# LATE TESTIMONY

H.C.R. NO. 251

To our Legislators,

April 14, 2009

My name is Kelvin K.F. Ching.

I support H.C.R. NO. 251 in its entirety.

I have been born and raised on the Windward side and still reside there. I have seen many changes to the ocean and know that many more will come.

I am very frustrated with the State's hypocrisy.

The State's Legislature created the Kaneohe Bay Regional Council to encourage and support Community Based Management in the late 80's. The Kaneohe Bay Master Plan was never given a chance, nor implemented for its original intent strictly due to political reasons (never mind what was/ is right for the land or the water).

Let's look at West Hawaii Council. Another community based project, no where near as comprehensive as what we have for Kaneohe Bay, yet they are fully supported by the State. Again, is it political reasons at best?

Finally, you have a huge push in the late 90's to protect the coral and protect the reefs. Have we done so well in the last 5-10 years that it is now OK to ruin prime, known, and documented fishing grounds by dredging coral on the West Side to allow development and a harbor? Is it political, is it money, is it payoffs, pure ignorance or true success in management of resources that we can now destroy it? Why aren't the "so called environmentalist", jumping up and down fighting this destruction of what they once "protected"? Is it because everything can be bought?

We have voiced the important contributing factors of the decline in our fisheries for decades. Human impact is the problem. You can't just blame fishing or fishermen. We need to work together. The State may have listened but they have failed to act.

Thank you for your time.

Sincerely,

Kelvin K.F. Ching

Pakole, Kahaluu, Kaneohe, Oahu roots

Representative Ken Ito, Chair  
Representative Sharon Har, Vice Chair  
Committee on Water, Land, & Ocean Resources  
Wednesday April 15, 2009  
HCR 251/HR220

## LATE TESTIMONY

My name is Frank Farm Jr. Among the various work endeavors of my life, was that of a commercial fisherman in the State of Hawai'i. For over half a century, I have been involved in various types of commercial, recreational, sharing fishing and marine research, including but not limited to trolling, hook and line, bottom-fishing, trapping, diving both free and SCUBA, fence and bag netting by targeting schools species, etc. Over the years, my fishing activity and effort increased to the point that it would be a rare situation that a few days or a week would pass and I was not engaged in some sort of fishing/marine activity. A large amount of this time was as a diving fisherman, and most of this activity involved SCUBA diving. I have made in excess of 18,000 SCUBA dives, some in research, or hobby activity, but mostly in support of trapping, spearing and underwater "fence and bag" operations.

This brings us to the reason I am here to speak in support of HCR 251. Granted over the years, there have been differences between the fishing community and DAR, and obviously the differences will continue, hopefully to a lesser degree. What is needed, however, is a concerted, cooperative and collaborative effort to work together and share information that can and will result in improved management and meaningful regulations.

These specialized commercial fishers have a lot to offer, but will not completely "open up" and share much information and some private techniques to DAR, especially if the fishers are of the opinion that their knowledge and information will not be taken seriously and/or treated as unreliable. Their accumulated knowledge and experience is the result of endless hours, days, and years, primarily physically in or under the water pursuing their method/type of fishing, exploring different depths and habitat, learning the currents for the different areas around the entire island(s), observing how fish act, interact and react to various situations at different locations and different areas (habitat) as well as considering different stages of the moon phase, and its effect on currents and targeted fish activity. There are occupational benefits *i.e.* profitable catches, supplying certain types of fish to the marketplace that would otherwise not be readily available for consumption. There are also hazards, such as rough seas, currents, ocean predators, sharks, eels, etc. not to mention the potential of being lost at sea, sustaining physical injuries of varying magnitudes, including the bends, and/or death.

BUT these are the fishers that have actual experience and in simple terms – really know what is going on. They have been doing it for many years. They have not merely read a book or taken a class, they have walked, or in this case – swam – the talk. Their vast amount of experience is a priceless resource that should not be ignored, but sought out and listened to.

I would like to give you just one example for a specific type fishery – the “**fence and bag**” technique. Another local diving fisher group was fishing and developing this technique in the late 50’s and my diving partner and I also started exploring this technique so that certain schools of various fish could be targeted and harvested efficiently. Granted, not so easily at first, but through years of trial and error, (some even comical) overcoming the negative or conflicting elements, including how the fish may be “thinking” and also developing few innovative ideas.

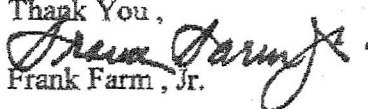
This underwater operation requires very close and timely coordination from the divers involved and may include surfacing and changing their SCUBA tanks to continue and finish the capture. The fish almost never leaves the ocean and they are immediately transferred to icy brine. Excellent care results in quality fish. This method works well today and probably will even see improvement in the future. Over the years, this technique has provided a sustainable, productive quantity of select fish to the marketplace for consumers. It can and should continue to do so without severely restricting or otherwise closing this and other similar specialized fishing because “DAR/the management” is lacking good data, or the knowledge as to where the fish are located. Unfortunately, it is easy to report the lack of fish in certain locations, and unknowledgeable sources with insufficient data, coupled with emotional or otherwise similar well intentioned input can jeopardize a sustainable fishery and negatively impact the livelihood of fishers, while removing the availability of certain species for the consumer.

These specialized licensed fishers consistently devote much time not only on the ocean but also underwater. Their endeavors include time underwater at the shallow, intermediate and deep depths of the ocean. These fishers have kept the markets supplied and continue to provide for Hawai‘i’s consumer population, who have both the desire and need for these species of fish.

I have highlighted only one of a few of the specialized type of fishery, that can be adversely affected if the “managers” do not consult and confer with these licensed specialized fishing practitioners prior to implementing or revising regulations affecting these styles of near-shore commercial fishing. The responsible fishers, who are within the meaning of this resolution, are the ones who can contribute the most to setting the standards to best manage these particular resources and should be consulted. It will require sincere cooperation and trust. We are in this for collective good. I strongly support this resolution.

Questions?

Thank You,

  
Frank Farm, Jr.

**OVERVIEW/MARINE BACKGROUND**

**+President Ocean Marine Services...** did numerous ocean research including cruises for OTEC, Woods Hole, State of Hawaii— fabricated and deployed the State of Hawaii's first FADS (Fish Aggregating Devices) from the Big Island to Niihau, etc..., Boat and logistics support Deep dives with Sylvia Earle and Jim suit, provided support vessel for various projects HURL submarine – Makalii, did salvage and rescue projects of ships, etc.

**+ US Coast Guard Masters license**

**+ Past president Hawaii Council of Diving Clubs,** twice recognized as Outstanding Diver of Year

**+Director of the Hyperbaric Treatment Center** 26 years, etc. attended and or participated in numerous National/international meetings.

**+Associate member Undersea and Hyperbaric Medical Society** since 1987,

**+ Co authored/presented several research papers** on diving and hyperbaric medicine. National and International

**+ Attended and or participated in numerous National/International workshops** related to diving medicine or fisheries management and research

**+ Member and past chairman of Western Pacific Regional Fisheries Management Council,** several terms

**+ President of the oldest diving fishing club** in the State of Hawaii

**+ Member - Underwater Society of America,**

**+ Coach Team USA World Championships Freediving Spearfishing @ Portugal**

**+ Hawaii Freediving Wall of Fame**

**+Hawaii Malacological Society,**

**+Salt Water Aquarium Society,**

**Others**



[REDACTED]

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 15, 2009 9:16 AM  
**To:** WLOtestimony  
**Cc:** [REDACTED]  
**Subject:** Testimony for [REDACTED] on 4/15/2009 9:00:00 AM

LATE TESTIMONY

Testimony for WLO 4/15/2009 9:00:00 AM HCR251

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Mark K.Manley  
Organization: Individual  
Address: [REDACTED]  
Phone: [REDACTED]  
E-mail: [REDACTED]  
Submitted on: 4/15/2009

Comments:  
Please support this resolution because it not only affects commercial fisherman such as my self but all the people of Hawaii. Mahalo, Mark Kahuokapono Manley